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To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Collecting Paleontological Resources under the Paleontological Resources
Preservation Act of 2009

Program Areas: Paleontological Resources Management, Paleontological Resources Use
Permits, Visitor Services

Purpose: This Instruction Memorandum (IM) provides guidance regarding the collection of
paleontological resources under the provisions of the Paleontological Resources Preservation Act
(PRPA) of 2009.

Introduction: Public Law 111-011, Title VI, Subtitle D, known by its popular name as the
Paleontological Resources Preservation Act (PRPA, the Act, 16 U.S.C. 470aaa *et seq.*) was
passed in March 2009. At that time, representatives from the four U.S. Department of the
Interior (DOI) bureaus specifically identified in the Act, including the Bureau of Land
Management (BLM), Bureau of Reclamation, Fish & Wildlife Service, National Park Service,
and the U.S. Department of Agricultural Forest Service, began meeting to develop draft language
for the proposed regulations. The draft DOI regulations have been prepared and are still in the
early review stages.

Policy/Action: The PRPA does not change the BLM's basic policies and guidance for the
collection of paleontological resources from BLM-administered lands.

Casual Collecting

The Act continues to allow casual collecting of reasonable amounts of common invertebrate and
plant fossils from public lands for personal use without a permit. The prohibition on the sale of
common invertebrate and plant fossils will continue.

Casual collecting in Section 6301(1) of PRPA means:

“... the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources.”

The PRPA requires that the Secretary of DOI develop regulations implementing the legislation. These regulations will likely include definitions of certain commonly used terms, such as “reasonable amounts” and “negligible disturbance.” However, until such time as the regulations are finalized, the BLM will continue to use the provisions in 43 CFR 8365.1-5 regarding the reasonable amounts of specimens that can be collected. Specimens are small samples that are easily carried and transportable by hand. Specimens can only be collected from the surface or with the use of non-powered hand-tools. Casual collecting activities may not cause disturbance to the surface that would have impacts on other natural or cultural resources.

Paleontological Resources Use Permits

In addition, the PRPA does not change the BLM’s requirement for issuance of a paleontological resources use permit for the collection of vertebrate and other invertebrate and plant paleontological resources that are of paleontological interest to qualified researchers.

The permit requirement in Section 6304 of the PRPA provides:

“Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.”

Section 6301(4) defines paleontological resource as:

“... any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth...”

Paleontological resources do not include any materials associated with an archaeological resource as defined in Section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)), or any cultural item as defined in Section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

Paleontological resources use permits must be issued under the PRPA and contain the citation to the Act. All permits must, at minimum, contain the following terms and conditions:

- (1) Paleontological resources collected under the permit will remain the property of the United States;

(2) Paleontological resources and copies of any associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) Specific locality data will not be released by the permittee or repository without the written permission of the authorized officer.

In addition, the authorized officer may add any terms, conditions, and stipulations that will further the purposes of the Act and other legal requirements.

Timeframe: This guidance is effective immediately for all BLM offices.


Budget Impact: Costs are minimal for implementation of this policy.

Background: It has been the longstanding policy of the BLM to allow hobby collecting of common invertebrate and plant fossils under the authority of the Federal Land Policy and Management Act (FLPMA) and the regulations at 43 CFR 8365.1-5(b). These authorities were supplemented by agency policy in Manual Section 8270, Paleontological Resource Management and guidance in Handbook H-8270-1. The Manual and Handbook also established policy and guidance for the collection of paleontological resources and the issuance of permits for collection. The PRPA of 2009, Public Law 111-011, Title VI, Subtitle D, is the BLM's new legal authority governing casual collecting of common invertebrate and plant paleontological resources, or fossils, from public lands, as well as the issuance of permits for the collection of paleontological resources from public lands.

Manual/Handbook Affected: Manual Section 8270, Paleontological Resources Management and Handbook H-8270-1 (General Procedural Guidance for Paleontological Resource Management) are the recommended policy and guidance for management of paleontological resources until such time as the final regulations have been promulgated, and new policy and direction in accordance with the PRPA are issued.

Coordination: None.

Contact: For questions regarding application of this policy and guidance, please contact Lucia Kuizon, National Paleontologist, at (202) 912-7253 or lkuizon@blm.gov.



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